

# Exhibit D

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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AGG, a minor, by and through his guardian  
ad litem, JESSICA AQUINO; a minor, by and  
through his guardian ad litem, JESSICA  
AQUINO; KARLA GONSALEZ, individually;  
and AUGUSTIN GONSALEZ, JR., an individual,

Plaintiffs,

vs.

NO. 4:19-CV-00697-DMR

CITY OF HAYWARD, a municipal  
corporation, et al.,

Defendants.

\_\_\_\_\_ /

DEPOSITION OF CHRISTINA RODRIGUES

FRIDAY, FEBRUARY 21, 2020

Reported by:  
DIANA L. KLASSEN-HARTIG, CSR #5788

1 pretty -- I would say it's like normal, slowly.

2 And then when I saw Oscar pop out, when Oscar  
3 said, "There he is, there's the guy with the knife" --  
4 that's the only reason I called it "a knife," is because I'm  
5 saying what Oscar said, because it wasn't.

6 But, um, as soon as Oscar said that, they drove  
7 up, they sped up to the point to where we were because it  
8 was literally like -- it was a few houses, and they stopped,  
9 they got out of their cars, and yeah.

10 Q. So where were you and Augustin standing?

11 Were you -- were you in the street or on the  
12 sidewalk --

13 A. We were --

14 Q. -- when the --

15 A. -- in the street.

16 Q. -- police officers were coming up?

17 A. We were on the street.

18 Q. Okay. Were you closer to the middle or closer to  
19 the curb?

20 A. I would say we were probably closer to the middle.  
21 The house in which it happened always has a tow truck  
22 sitting in front of it, so Augie was on the other side of  
23 the tow truck, and then I was standing more in the middle,  
24 and even as we walked, we were still probably closer to the  
25 center and then moving into the side of the street, but

1 of us in the street (indicating). And one car kind of was  
2 up further, and the second car was slightly back to the side  
3 (indicating).

4 And both officers got out of their doors and were  
5 sitting like behind their doors with their guns out, and the  
6 same thing, I believe I saw one more officer with a gun out  
7 behind a door in a second car that was slightly back.

8 Q. Okay. So did you hear any of the officers say  
9 anything?

10 A. Yes, um, I believe they stepped out, and they  
11 said -- I don't remember what the words were used. They did  
12 yell something out, and then what I remember is, I remember  
13 myself saying "Don't shoot."

14 I said that so many times it's not funny, and  
15 nobody -- they heard. They had to have heard me, it's on  
16 video, too, and nobody responded to me at all.

17 Q. So when you said you heard the officers saying  
18 something, was it one officer? Was it multiple? Could you  
19 tell?

20 A. I believe it was -- I want to say it was one that  
21 probably said like "Stop" or something along those lines, or  
22 like "Put your weapon down," or whatever.

23 Q. But it sounded -- to you, it sounded like one  
24 voice that was --

25 A. Yes.

1 Q. -- sort of doing the talking for the police?

2 A. I want to say it was the first officer, on the  
3 driver's side, that pulled up.

4 Q. Where was he located? Was he closer to --

5 A. He was pretty close to us.

6 Q. -- the side of the street where your house is, or  
7 the opposite?

8 A. He was pretty close to that side of the street,  
9 yeah.

10 Q. And what was Augustin doing?

11 A. Augustin was still screaming.

12 Q. Was he still facing you at that time?

13 A. No, this is about that point in time where he had  
14 been standing in front of the tow truck door, and, uh, like  
15 I said, I was like about here (indicating).

16 And as I walked towards him, he kind of passed me  
17 like that and went in front of me (indicating), and so now I  
18 was kind of on the side of the street, he was moving up  
19 forward, and I guess not charging at them, but, you know, he  
20 was like upset, probably screaming some shit out that I  
21 don't remember, but he didn't run towards them or nothing.  
22 He was just walking towards them.

23 Q. So was his -- could you see -- like from your  
24 angle, could you see the front of him, or...

25 A. Where I was standing? What do you mean? Right

1 A. To be honest, I don't remember, no.

2 Q. And when you say he was walking towards them, do  
3 you mean he was walking towards the police officers?

4 A. Yes.

5 Q. And you said -- okay. So he wasn't charging, and  
6 he wasn't running.

7 I mean, how would you describe his walking? Was  
8 it just --

9 A. I mean, it wasn't slow-paced, but it was pretty --  
10 like maybe power walking. It wasn't an aggressive manner or  
11 running forward, though. Just kind of walking forward with  
12 a little bit -- a tiny bit of speed.

13 Q. Was he saying anything as he was walking towards  
14 the officers?

15 A. Yeah, I believe he said some things. Um, I don't  
16 remember exactly, but I believe he was saying "I don't care"  
17 and, um, "You're going to have to shoot me."

18 Q. And where was Oscar when this was going on? Do  
19 you know where he was?

20 A. Oscar was off a little bit behind me, so if you  
21 want to put it like maybe Augie was standing there facing  
22 forward, I was here facing forward, and I think Oscar now  
23 was on the side to me (indicating) because when they started  
24 shooting, Oscar grabbed me from the back and pulled me  
25 further away so -- you know what I mean? -- I wouldn't get

1 shot because it was pretty close. So I'm assuming he had  
2 already been behind me on the sidewalk (indicating).

3 Q. So Oscar was on the sidewalk?

4 A. I want to say yeah.

5 Q. About how far away was -- well, strike that.

6 So you heard the officers -- or you remember one  
7 of the officers saying to Augustin to drop his weapon or  
8 something --

9 A. Uh-hmm.

10 Q. -- along those lines?

11 What happened after you heard that?

12 A. I heard them say like either "Stop" or like  
13 "Drop," you know what I mean? Some sort of a command to get  
14 him to obviously -- like to where they could probably speak  
15 to him. They said something like that, and I think he was  
16 yelling at the same time.

17 I was yelling "Don't" -- like "Please don't  
18 shoot."

19 They said one more thing that I don't remember at  
20 this point, and they just started shooting because I was  
21 never -- like they never said we're going to shoot. There  
22 was no threatening, there was no nothing because I wasn't  
23 told, and it was just me that felt -- the officer was  
24 standing like this, looking at both of us like this  
25 (indicating), and I saw his finger move to the trigger, and

1 my body told me you need to fucking move to the side. And I  
2 took one step and went like that (indicating), and they did  
3 just start shooting him. There was no warning to anybody on  
4 the street.

5 Q. From what you could tell, was Augustin still  
6 walking towards the officers when you heard the first  
7 gunshot or saw the first gunshot?

8 A. I don't believe he was walking, at that point,  
9 anymore.

10 Q. How close -- are you able to estimate how close he  
11 was to the officer?

12 A. It had to have been within --

13 MR. COOK: Calls for speculation.

14 THE WITNESS: -- like ten feet, but yes, I do

15 re -- I remember seeing the gunshots hit his body, and, um,  
16 they shot him like point-blank because they shot him like  
17 almost in a triangle. And it was like his chest, like I  
18 think they shot him literally in the heart, and then in a  
19 triangle, and then just kept shooting and overshooting him.  
20 He wasn't even moving forward or nothing. They just like  
21 executed him. They slaughtered him like a fucking animal.

22 MR. VIGILIA: Q. So just to backtrack, prior to  
23 the officers firing their shots, it sounds like you do  
24 remember the officers -- at least one officer giving some  
25 commands of some type to Augustin?



1 STATE OF CALIFORNIA )  
2 ) ss.  
3 COUNTY OF ALAMEDA )

4 I, DIANA L. KLASSEN-HARTIG, do hereby certify:

5 That CHRISTINA RODRIGUES, the witness in the  
6 foregoing deposition, was by me duly sworn to testify the  
7 truth, the whole truth, and nothing but the truth in the  
8 within-entitled cause;

9 That said deposition was reported by me at the  
10 time and place therein stated and under my direction was  
11 thereafter transcribed as herein set forth;

12 That, if signed, the deposition was read by or to  
13 said witness, corrected in every particular desired, and was  
14 thereafter subscribed by said witness;

15 That, if unsigned, the deposition was retained at  
16 the Offices of DIANA L. KLASSEN-HARTIG, a Certified  
17 Shorthand Reporter, 2129 Armstrong Drive, Pleasanton,  
18 California, 94588, and was available for reading, correcting  
19 and signing by said witness unless otherwise stipulated.

20 I further certify that I am not connected with,  
21 nor related to any of the parties in said action or to their  
22 respective counsel.

23 IN WITNESS WHEREOF I have set my hand and affixed  
24 my seal of office this 3rd day of March, 2020.

25 \_\_\_\_\_  
DIANA L. KLASSEN-HARTIG, CSR 5788

March 3, 2020

MS. CHRISTINA RODRIGUES  
24633 Oneil Avenue  
Hayward, California 94544

Re: *Gonsalez -v- City of Hayward, et al.*  
US District Court - Northern District of California  
Case No. 4:19-CV-00697-DMR  
Deposition of: February 21, 2020

Dear Ms. Rodrigues:

The original transcript of your deposition taken in the above-entitled action has been prepared and is available for your inspection and signature at this office for a period of 30 days following the date of this letter OR until 5 days before trial, whichever is sooner.

You may wish to discuss this matter with your attorney to determine if he/she requires that the original transcript of your deposition be read, corrected, and signed by you.

If you wish to respond to this notice, please call to make an appointment.

Very truly yours,

Diana L. Klassen-Hartig, CSR

cc: Michael G. Vigilia, Sr. Assistant City Attorney  
Ben Nisenbaum, Attorney at Law